

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

TINA IRLANDA ESTRADA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-cv-01094
)	
WAL-MART STORES, INC.)	
)	
)	
Defendant.)	
)	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Wal-Mart Stores, Inc. (“Wal-Mart” or “Defendant”), named as Defendant in the action styled *Tina Irlanda Estrada v. Wal-Mart Stores, Inc.*, No. CL-2020-0015338, which is currently pending in the Circuit Court for Fairfax County, Virginia (the “State Court Action”), hereby removes the State Court Action pursuant to 28 U.S.C. §§ 1441(b) and 1446 and further states as follows in support of this Notice of Removal:

1. The Defendant is in receipt of a copy of a Complaint filed by Plaintiff in the State Court Action and served upon Defendant on September 8, 2021. A copy of the Complaint, summons and service of process transmittal is attached hereto as Exhibit A. Other than the original Complaint, no other process, pleading and/or orders have been served on Defendant in the State Court Action.

2. 28 U.S.C. §(a) provides, in pertinent part, that:

The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between – (1) citizens of different States

3. Upon information and belief, Plaintiff is a citizen of the Commonwealth of Virginia and it not a citizen of Delaware or Arkansas.

4. Defendant is a Delaware corporation with its principal place of business in Bentonville, Arkansas.

5. A trial of the State Court Action has yet to take place.

6. Plaintiff's prayer for relief against Defendant is in the amount of five hundred thousand dollars (\$90,000.00).

9. Thus, the Plaintiff and the Defendant have different state citizenship, the amount in controversy exceeds \$75,000.00, and this court possesses diversity jurisdiction.

10. As set forth in 28 U.S.C. § 127(a), the United States District Court for the Eastern District of Virginia embraces the geographic region where the State Court Action is pending.

11. Pursuant to 28 U.S.C. § 1446(d), Defendant is providing written notice of removal of the State Court Action to all known parties and the Clerk of the Fairfax County Circuit Court.

Accordingly, Defendant has complied with all applicable terms of 28 U.S.C. § 1446 and is entitled to removal of the State Court Action to this Court.

Dated: September 29, 2021

Respectfully submitted,

/s/ John M. Murdock

John M. Murdock (VSB #26647)

POTTER & MURDOCK, P.C.

252 N. Washington St.

Falls Church, VA 22046

Tel: (703) 992-6950

Fax: (703) 852-7324

Email: jmurdock@pottermurdock.com

*Counsel for Defendant Wal-Mart Stores,
Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of September 2021, the foregoing was filed with the Court's ECF system and served either electronically or via U.S. Mail, postage prepaid,

Dagoberto J. Rodriguez
Rodriguez Law Firm, PLLC
9300 Peabody Street
Suite 208
Manassas, VA 20110
Counsel for Plaintiff

/s/ John M. Murdock
John M. Murdock